

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE MIMS,

Petitioner,

v.

ROBERT BURTON,

Respondent.

Case No. 2:22-cv-00521-JDP (HC)

ORDER DIRECTING PETITIONER TO FILE  
AN AMENDED PETITION OR STAND BY  
HIS CURRENT FILING SUBJECT TO A  
RECOMMENDATION THAT THIS ACTION  
BE DISMISSED

ECF No. 13

Twenty-one day deadline

Petitioner, proceeding without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2254. On May 11, 2022, I determined that the original petition did not raise a cognizable federal habeas claim and gave petitioner leave to file an amended petition. ECF No. 9. On June 30, 2022, petitioner filed an “amended petition.” ECF No. 13. That filing, however, appears to be a Ninth Circuit application to file a successive petition and as such should have been filed with the Court of Appeals. This court does not have authority to rule on petitioner’s application.

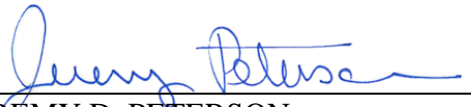
Accordingly, it is ORDERED that:

1. The Clerk of Court is directed to strike the filing at ECF No. 13.
2. Petitioner may file an amended petition within twenty-one days of this order’s entry. If he does not, I will recommend that the original, operative petition be dismissed for failure to state a cognizable claim.

1           3.       The Clerk of Court is directed to send petitioner a federal habeas form. If plaintiff  
2 elects to file an amended petition, he must use that form.

3  
4 IT IS SO ORDERED.

5 Dated: July 12, 2022

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE